

FW 1646

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
(Case No. 98-385-H)

PATENT

In re Application of: Hauptmann et al. )  
)  
Serial No.: 09/899,422 )  
)  
Filed: July 3, 2001 )  
)  
For: TNF Receptors, TNF Binding )  
Proteins and DNAs Coding For Them )

Before the Examiner: E. O'Hara  
Group Art Unit: 1646

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

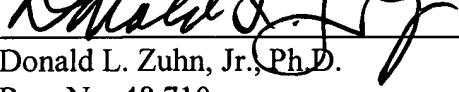
Sir:

**TRANSMITTAL LETTER**

1. We are transmitting herewith the attached papers for the above-described patent application:  
Response to Office Action and return postcard.
2. GENERAL AUTHORIZATION TO CHARGE OR CREDIT FEES: Please charge any additional fees or credit any overpayment to Deposit Account No. 13-2490.
3. CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8: The undersigned hereby certifies that this Transmittal Letter and the papers, as described in paragraph 1, are being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on November 23, 2005.

Respectfully submitted,  
McDonnell Boehnen Hulbert & Berghoff

Dated: November 23, 2005

By:   
Donald L. Zuhn, Jr., Ph.D.  
Reg. No. 48,710



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Sir:

**RESPONSE TO OFFICE ACTION MAILED AUGUST 25, 2005**

Responsive to the Office Action, mailed August 25, 2005, Applicants respectfully request reconsideration of the above-identified application in view of the following remarks. Claims 1, 23, 41, 45-48, and 50-53 are now pending in the instant application, and claim 42 is allowed.

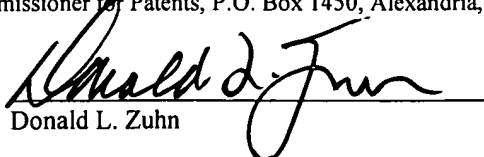
**1. Claim of priority**

The Office Action asserts that the amino acid sequence set forth in SEQ ID NO: 4 is entitled under 35 U.S.C. § 119(a) to the benefit of the June 21, 1989 filing date of German Patent Application No. P39 20 282.8, but not to the April 21, 1989 filing date of German Patent Application No. P39 13 101.7.

Although Applicants respectfully disagree with the Action's priority determination, Applicants contend that this determination is not relevant to the rejection made in the instant Action. Applicants, therefore, acknowledge the Action's priority determination, and elect to address this determination when it becomes relevant to the patentability of the instant claims.

**CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8**

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Donald L. Zuhn